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APPLICATION NO. 077712,375	FILING DATE 11/01/96	FIRST NAMED INVENTOR FRY	ATTORNEY DOCKET NO. W FRY 00102/29
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ART UNIT 3514	PAPER NUMBER 5
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DATE MAILED:

07/16/98

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

*See attached*

# Office Action Summary

Application No.  
**08/742,373**

Applicant(s)  
**William R. Fry**

Examiner  
**Gertrude Arthur**

Group Art Unit  
**3614**

☒ Responsive to communication(s) filed on Nov 1, 1996

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claim

☒ Claim(s) 1-14 and 16-23 is/are pending in the application

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-14 and 16-23 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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### DETAILED ACTION

This office action is in response to the application filed 11/1/96 and also taken into consideration the preliminary amendment of May 22, 1998.

#### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-8, 14, 16-23, are rejected under 35 U.S.C. 103(a) as being unpatentable over Brisson (U.S. Patent No. 5,335,188) in view of Masumoto (U.S. Patent No. 5,210,540).

As to claim 1, Brisson discloses a sports activity monitor adapted for use with a computer wherein it discloses a display as shown in Fig.1. Brisson also discloses a mobile recording unit in the sports activity since it comprises a sensor 12 for detecting a quantity which varies as a function of the activity (See column 4, lines 1-3) as these revolution detecting sensors are attached in association with the wheels. Brisson discloses a memory (RAM) wherein the memory is connected to the processor (controller) with control and data paths (See column 3, lines 58-63). Brisson discloses the means for accessing the contents of the memory by a computer to display

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the information relating to the quantity as a function of the geographical position of the user while engaged in the sports activity as the external computer is accessing the cycle computer as data is transferred and displayed (See column 8, lines 12-16). Brisson fails to specifically disclose that the recording unit including a GPS satellite receiver. In an analogous art, Masumoto discloses a global position system for use in a vehicle wherein it determines the position of an object that comprises a controller (See column 1, line 60). Wherein the controller receives a signal from the GPS receiver, the GPS receiver also has a memory for storing data relating to the position (See column 3, lines 10-20). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Brisson with that of Masumoto by having a gps receiver in the system in order to better position the vehicle to be capable of producing data.

As to claims 19, 22, Brisson discloses all the claimed as discussed and further discloses a speedometer for determining the speed as shown in Fig. See items 21 and 23 in Fig. 2 and a central processor unit stores the performance data for each performance of the user (See abstract, lines 4-7) and wherein data can be reloaded in case of failure (See column 8, lines 16-21).

As to claim 23, Brisson discloses the step of storing the terrain map in the computer considered as the pace rides that are stored in the external computer (See column 8, lines 22-31) wherein one of ordinary skill in the art would obviously consider superimposing data such as the individual's speed and location on the map for use in analyzing the route.

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As to claim 2, Brisson discloses the sensor 12 as discussed associated with the wheel rotation therefore it would have been obvious to have such sensor for detecting the speed of the user in the sports activity.

As to claim 3, Brisson discloses the display of information as discussed and also discloses altitude of the user that can be displayed (See column 7, lines 23-25) therefore it would have been obvious to display such altitude in the system as well. Brisson fails to specifically disclose a GPS receiver that includes altitude information. In an analogous art, Masumoto discloses a GPS receiver system wherein relative altitude is detected (See abstract, lines 10-12). It is therefore rejected for the same reason as claim 1.

As to claims 4-6, 18, 20, Brisson discloses the user as a cyclist and a mobile unit 14 mounted to the user's bicycle (See column 4, lines 7-9). Brisson discloses in Fig. 4 as displayed the speed of the bicycle and furthermore discloses other parameters and store cadence information for later review on the personal computer (See column 7, lines 14-26).

As to claims 7-8, Brisson discloses a sensor as discussed for carrying information. Moreover, Brisson discloses that the user's heart rate may be saved and displayed for comparison (See column 7, lines 27-28) therefore, it would have been obvious to use a sensor for carrying information relating to the physiology of the user to better monitor the performance of the user.

As to claims 14, 16-17, 21, Brisson discloses the accessing of the memory by a computer as discussed wherein an interface or connector 65 used as a computer interface port for connecting the computer to the module and further wherein the information related to the bicycle

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is displayed. Brisson discloses a non-volatile memory and a software executable on the personal computer (See column 4, lines 10-14; column 8, lines 1-16).

3. Claims 9-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brisson and Masumoto as applied to claim 1 above, and further in view of Arpino (U.S. Patent No. 4,163,216).

As to claims 9-13, Brisson and Masumoto fail to specifically disclose an electronic compass enabling the controller to determine and store direction information nor the references disclose the weather condition is temperature, wind speed and wind direction. In an analogous art, Arpino discloses a system for transmitting weather information wherein it discloses signal sources obviously sensed from some type of weather transducer and generates the weather information to a microcomputer wherein the signals sources include the temperature, wind speed, wind direction and barometric pressure transducers (See column 8, lines 5-11). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Brisson and Masumoto with the weather information as taught by Arpino and sending such information to a computer in order to allow pertinent information to be transmitted.

### *Conclusion*

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Downs (U.S. Patent No. 5,629,668) discloses a data display unit for a bicycle.

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Brunt et al. (U.S. Patent No. 5,008,647) disclose a wireless bicycle wheel monitor system.

Tsuyama (U.S. Patent No. 4,642,606) disclose a data display unit for a bicycle.

Nobe et al. (U.S. Patent No. 5,506,774) disclose a navigation apparatus.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gertrude Arthur whose telephone number is (703) 308-7564. The examiner can normally be reached on Tuesday-Friday from 8:30 a.m to 6:00 p.m and every first Monday of the bi-week from 8:30 a.m to 6:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Cuchlinski, can be reached on (703) 308-3873. The appropriate fax phone number for the organization where this application or proceeding is assigned is (703) 305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

GA

*GA*  
June 28, 1998

  
WILLIAM A. CUCHLINSKI, JR.  
SUPERVISORY PATENT EXAMINER  
GROUP 3600